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CABINET

LEGISLATIVE PROGRAMME 1987-88

Memorandum by the Lord President of the Council

INTRODUCTION

In constructing a legislative programme for this Session we have to allow for various options in the timing of the General Election. Although there are a number of possibilities, for legislative planning purposes we can work on the basis of the following two:

- a. No General Election this year and therefore a necessarily short final Session of this Parliament, starting in October/November 1987.
- b. A General Election this year followed by the first Session of a new Parliament. (For planning purposes we can assume this to start in October/November 1987. It could, of course, start earlier, but in that case the first weeks of the Session could be taken up with re-introduction of some of the Bills lost on Dissolution.)

The decision that needs to be taken now is the selection of Bills on which work should be put in hand so as to place the Government in the best position to face either of these options. It is not practical, or politically sensible, to envisage two totally separate programmes. The Queen's Speeches and Future Legislation Committee (QL) have considered that the simplest and clearest approach is to draw up a programme of Bills for a full (first) Session from which a small selection could be made to provide a politically suitable programme for a short (final) Session.

2. Some further Bills may yet emerge, and the decisions that we take now therefore do not necessarily represent the final shape of the programme. It is, however, important that at this point in the year we commission as much preparatory work as we can on the Bills that we shall need, and this is particularly important for long and complex Bills. QL have therefore sought to draw up a full and politically robust programme, with no deliberate slack in it.

PROPOSED PROGRAMME

3. After discussion as necessary with the Ministers concerned, QL have drawn up the suggested programmes for full and short 1987-88 Sessions set out at Annex A. (A list of the Bills sought by Ministers but not

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recommended by QL is at Annex B.) The hybrid Dartford Crossing Bill, which is still to be introduced in the present Session, will certainly need to be revived in the 1987-88 Session, and hence added to the list at Annex A. Although the number of Bills in the proposed programme is not unusually high, the programme is deliberately weighted towards Bills that QL consider to be of prime political importance. There is also an unusual number of long Bills. In both drafting and Parliamentary terms, then, the proposed programme is very substantial indeed and any significant additions to it will require that something is dropped to make room.

Water Legislation

4. The Government remains committed to the privatisation of the water industry, and the benefits of that must be obtained as soon as possible. For the 1987-88 Session, however, QL propose that we should attempt no more than a paving Bill to give water authorities power to prepare for privatisation, and to take powers on water metering. QL was advised that it was essential that the paving powers should be in place before the main Water Privatisation Bill got far on its Parliamentary passage, since the active support of water authorities which would be needed for the success of the main privatisation venture could not be forthcoming while the water authorities' powers were in doubt. QL were certain that a Session of normal length could not accommodate both the paving Bill (which would itself be highly controversial) and the main privatisation measure. The Secretary of State for the Environment is now consulting colleagues on the Steering Committee on Economic Strategy, Sub-Committee on Economic Affairs (E(A)), on his proposals to restructure the water industry, and to retain within the public sector a number of, mainly regulatory, functions that were proposed for privatisation under last year's White Paper. If those proposals are agreed, the resulting privatisation legislation could not, in any event, be prepared before January 1988 at the earliest. But QL's recommendation against attempting the main privatisation Bill in the same Session as the paving measure is independent of E(A)'s conclusions on the Secretary of State for the Environment's latest proposals. QL believe that the main privatisation Bill should come forward in the second Session after an Election and be given advance drafting authority accordingly.

Housing Legislation

5. After Abolition of Domestic Rates and Water, the third major Environment Bill that we shall need to consider is Housing, on which QL recommend that a place should be kept open in the programme for a long Bill. The longer and more controversial that a Bill is, however, the more important its early introduction becomes, and I believe that a comprehensive measure on housing would need to be put in hand forthwith if it were to be enacted next Session. If there is real doubt about that timetable, then I invite Cabinet to consider the possibility of legislating in only part of this area in the first Session after an election. On that approach, the obvious candidate would be deregulation in the private rented sector, which is classically a topic that must be addressed early in the life of a Parliament, if it is to be effective.

Proposals for a Short Session

6. At this stage we need to do no more than assure ourselves that the preparatory work we are putting in hand will enable us to select an appropriate smaller package of Bills for a short Session preceding an Election in 1988, if that is required. QL believe that the selection marked for this purpose in Annex A shows that there need be no doubt on that score. The main point to which I draw the Cabinet's attention is that it would be proposed to introduce the Abolition of Domestic Rates Bill even in a short Session as a mark of the Government's commitment to that policy, even though the Bill could not hope to get to Royal Assent in the time available.

Bills Not Proposed

7. Many of the Bills listed at Annex B will doubtless find their way into the programme for later Sessions but QL did not believe that any of them had sufficient priority for inclusion in 1987-88. I shall comment on two points only. First, QL did not consider that it was possible to take a view on Elections (Northern Ireland) this side of a General Election. Second, although QL have not chosen any Bills bearing on the City, we must recognise that a need for legislation may yet emerge in this area.

ADVANCE DRAFTING AUTHORITY

8. In recent years Cabinet and QL have adopted the practice of giving 'advance places' to a few Bills that require a particularly long time for preparation. This has undoubtedly had its uses, but QL have two reservations to report. First, we believe that the half dozen places to which this scheme has been applied are too many: we believe that in future the arrangements should be limited to two Bills a year and that, in order to qualify, they should be exceptionally long, complex, and of cardinal political importance. Second, the phrase 'advance place' has sometimes been misinterpreted as suggesting the advance guarantee of a sure place in the programme two Sessions ahead. Such a guarantee cannot be offered, and QL recommend that in future the more accurate terminology 'advance drafting authority' should be used. On the criteria suggested, the clear first choice for such authority for the 1988-89 Session is the main Water Bill. If Cabinet agree, the second choice might be remitted for QL to make in the light of the Cabinet's discussion.

TIMELY PREPARATION OF BILLS

9. This is not the first submission to the Cabinet on the legislative programme to stress the importance of Departments maintaining the timetables that are agreed for the preparation of their Bills and, in particular, getting their instructions to Parliamentary Counsel in good time. It is absolutely vital that these rules should be observed when we are proposing such a heavy programme. I invite colleagues to keep a close eye on this during the year.

CONCLUSION

10. I invite the Cabinet -

a. To approve the list of Bills at Annex A for the 1987-88 Session.

b. To approve the criteria for advance drafting authority set out at paragraph 8; to agree that the Water Bill should be given advance drafting authority for the 1988-89 Session; and to invite QL to allocate advance drafting authority to a second Bill for that Session in the light of the Cabinet discussion.

c. To invite all Ministers concerned to ensure that agreed timetables for the preparation of legislation for the 1987-88 Session are observed.

W

Privy Council Office

24 March 1987

ANNEX A

BILLS PROPOSED FOR INCLUSION IN THE LEGISLATIVE PROGRAMME 1987/88

Essential

DOE	<u>Urban Development Corporations</u> raises the financial limits of UDCs	Short
FCO	<u>Arms Control and Disarmament (Privileges and Immunities)</u> provides privileges and immunities for Conference on Disarmament in Europe observers and inspectors	Short
SO	<u>Scottish Development Agency (Financial Limit)</u> increases the SDA's statutory financial limit	Short

Programme

*DOE	<u>Abolition of Domestic Rates</u> abolishes domestic rates and introduces the community charge	Long
*DOE	<u>Local Government (Competition)</u> to stimulate competition in the provision of certain local authority services, and other matters	Medium
*DOE	<u>Water Powers and Metering</u> confers powers on water authorities to prepare for privatisation and provides for metering	Short

*Denotes suitable for a short Session before a General Election.

DOE	<u>Housing</u> rent deregulation and other miscellaneous matters	Long
DES	<u>Education</u> effects major reforms in schools and higher education (*a shortened version would be suitable for a short Session before a General Election)	Long
*DE	<u>Trade Unions</u> further extends trade union members' rights and protections	Medium
DTp	<u>Ports</u> a measure to improve the competitiveness of our ports and other provisions	Short
*DTp	<u>Merchant Shipping</u> provides assistance to the United Kingdom shipping industry and other miscellaneous matters	Short
*MAFF	<u>Agriculture</u> gives effect to ALURE decisions	Short
HO	<u>Immigration (Amendment)</u> amends the Immigration Act 1971, eg closes loophole whereby passengers claiming citizenship have right of appeal before removal	Medium
DHSS	<u>Primary Health Care</u> makes certain provisions following the review of primary health care	Short

DHSS	<u>Alleviation of Human Infertility</u> implements certain recommendations of the Warnock Report	Medium
HO	<u>Liquor licensing</u> relaxes liquor licensing hours	Medium
DTI	<u>Copyright and other Intellectual Property</u> reforms law of copyright; hives off Patent Office; amends law on patent and trade mark agents	Long
DHSS	<u>Social Security</u> amends the Social Security Acts	Short
LCD	<u>Legal Aid</u> sets up a Legal Services Board and makes other changes to the legal aid scheme	Long
*HO	<u>Prohibition of Torture</u> enables the United Kingdom to ratify the UN Convention on Torture	Short
*SO	<u>Education (Scotland)</u> various reforms in the education and higher education fields (shortened version only in pre-election Session)	Medium
*SO	<u>Evidence (Scotland)</u> to implement Scottish Law Commission Report	Medium
SO	<u>Housing (Scotland)</u> to extend assured tenancies regime to Scotland	

Second Reading Committee

- *FCO Multilateral Investment Guarantee Agency Short
enables the United Kingdom to ratify the convention establishing the Multilateral Investment Guarantee Agency
- *HO Firearms in Museums Short
provides museums with exemption from firearms certification requirements
- *LCD Transfer of Money Between Spouses Short
gives effect to Law Commission proposals
- *LCD Choice of Law in Marriage Short
gives effect to Law Commission proposals
- *LCD Domicile Short
gives effect to Law Commission proposals
- OAL Museums (Miscellaneous Provisions) Medium
(only in post election session) provides for change to grant-in-aid status for National Museums and Galleries and other provisions

Contingent

- DOE Local Government (Commissioners)
provides the Environment Secretary with certain powers in the event of breakdown of finances or services in local government

C&E Customs Consolidation Act (Amendment)
aligns Customs controls on importation of indecent
and obscene articles with domestic legislation

DTI British Shipbuilders (Borrowing Power)
adjusts the statutory borrowing limit

ANNEX B

BILLS NOT PROPOSED FOR INCLUSION IN THE 1987/88 PROGRAMMEProgramme

MAFF	<u>Scotch Whisky</u> provides for new definitions and minimum strength of Scotch Whisky	Short
MAFF	<u>Welfare of Livestock at Slaughter</u> amends Slaughterhouses Act 1974	Short
MAFF	<u>Food</u> replaces the existing Food Acts	Long
DE	<u>Sex Discrimination (Amendment)</u> amends 1975 Sex Discrimination Act to conform with EC Equal Treatment Directive	Short
DE	<u>Deregulation</u> effects the decisions in Cmnd 9571 and Cmnd 9794	Medium
DE	<u>Work Permits (Charging)</u> enables the charging of fees for applications for work permits	Short
DEn	<u>Energy (Miscellaneous Provisions)</u> sets new limit for commitment of public finance to BNFL and other miscellaneous provisions	Short
DOE	<u>Water</u> enables restructuring of water authorities as PLCs and their subsequent flotation	Long

DOE	<u>Environmental Protection</u> rationalises air pollution control system and makes other environmental/conservation provisions	Substantial
DOE	<u>Planning, Land Compensation and Compulsory Purchase</u> miscellaneous changes in planning legislation and changes to compulsory purchase and land compensation law	Substantial
DOE	<u>Commons</u> encourages and facilitates better management of commons	Long
FCO	<u>Crown Agents</u> transfers business from Crown Agents to a PLC	Medium
FCO	<u>Antarctic Minerals</u> gives effect to Treaty regulating Antarctic minerals development	Short
DHSS	<u>Health Service (Miscellaneous)</u> miscellaneous provisions including transfer of Artificial Limb and Appliance Centre staff and abolition of Local Authorities' power to charge health authorities for social workers' services	Medium
DHSS	<u>Child Care and Family Services</u> improves law on child care along lines of proposals in consultation document	Long
HO	<u>Police (Officers Seconded to Central Services)</u> provides that police officers seconded to central service do not cease to be members of a police force	Short
HO	<u>Prevention of Terrorism (Temporary Provisions)</u> re-enacts Prevention of Terrorism Act 1984, which has 5 years life	Medium

HO	<u>Broadcasting</u> reforms the system in light of Peacock Report; reforms system for regulation of commercial radio and other provisions	Substantial
HO	<u>Parliamentary Constituencies (Distribution of Seats)</u> amends rules for drawing up boundaries of Parliamentary seats	Short
HO	<u>International Criminal Jurisdiction and Mutual Assistance</u> reforms the law on limits of territorial jurisdiction and enables UK to provide and obtain international assistance against crime	Substantial
LCD	<u>Administration of Justice</u> miscellaneous provisions, possibly including provisions for a disciplinary tribunal for judges and a third tier of the judiciary to include barristers and registrars	Medium
LCD	<u>Courts</u> enacts changes arising from Civil Justice Review	Long
NIO	<u>Elections (Northern Ireland)</u> extends NI local government franchise and provides for declaration of non violence by candidates	Short
NIO	<u>Employment Equality (Northern Ireland)</u> establishes an Equal Employment Commission to replace Fair Employment Agency and Equal Opportunities Commission	Substantial
SO	<u>Child Abduction (Scotland)</u> implements Scottish Law Commission Report	Short

SO	<u>Housing (Scotland)</u> combines functions of Scottish Special Housing Association and Housing Corporation in Scotland, and other provisions	Medium
SO	<u>Water (Miscellaneous Provisions)(Scotland)</u> extends scope and simplifies procedures of the Spray Irrigation (Scotland) Act 1964	Medium
SO	<u>Disposal of Land Settlements (Scotland)</u> amends Congested Districts (Scotland) Act 1897 and other measures	Short
SO	<u>Licensing (Scotland)(Amendment)</u> introduces further flexibility in licensing law	Medium
SO	<u>Slaughter of Animals (Amendment)(Scotland)</u> amends Slaughter of Animals (Scotland) Act 1980	Short
SO	<u>Nuisances</u> amends and updates Part II of the Public Health (Scotland) Act 1897	Short
DTI	<u>Financial Markets (Clearing Arrangements)</u> resolves existing conflicts between the requirement of the Insolvency Acts and current United Kingdom practice	Short
DTI	<u>Consumer Protection</u> makes miscellaneous provisions including measures against pyramid selling	Short/Medium
DTI	<u>Weights and Measures</u> amends weights and measures law, correcting anomalies and revising current provisions	Medium

DTI	<u>Post Office</u> extends the Post Office's powers	Medium
DTI	<u>Companies</u> implements seventh and eighth EC company law directive	Long
DTI	<u>Lloyds</u> implements recommendations of Neill Enquiry	Short/Medium
DTI	<u>Wireless Telegraphy and Telecommunications</u> to amend Wireless Telegraphy Acts	Medium
DTI	<u>British Steel Privatisation</u> enables privatisation of British Steel	Short/Medium
DTP	<u>Street Works</u> implements recommendations of Horne Report	Medium
DTP	<u>Road Traffic</u> makes improvements in procedures relating e.g. to motor vehicle tests	Substantial
DTP	<u>Public Transport (London)</u> extends to London deregulation of bus services	Medium
<u>Second Reading Committee</u>		
LCD	<u>Polygamous marriages</u> provides that marriages are not invalidated by their being potentially polygamous	Short
DTI	<u>Export Guarantees and Overseas Investment</u> gives ECGD certain additional powers	Short/Medium